

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MINNESOTA**

Patrick Berry, Henrietta Brown, Nadine Little, Dennis Barrow, Virginia Roy, Joel Westvig, Emmett Williams, *on behalf of themselves and a class of similarly-situated individuals*; and ZACAH,

Plaintiffs,

Case No. 20-cv-02189 WMW/KMM

**DECLARATION OF
CLARE DIEGEL IN SUPPORT OF
MOTION FOR TRO**

vs.

Hennepin County; Hennepin County Sheriff David Hutchinson, *in his individual and official capacity*; City of Minneapolis; Minneapolis Mayor Jacob Frey, *in his individual and official capacity*; Minneapolis Chief of Police Medaria Arradondo, *in his individual and official capacity*; Superintendent of the Minneapolis Park and Recreation Board Al Bangoura, *in his individual and official capacity*; Park Police Chief at the Minneapolis Park and Recreation Board Jason Ohotto, *in his individual and official capacity*; Police Officers John Does; and Police Officers Jane Does,

Defendants.

I, Clare Diegel, declare and state as follows:

1. I am a staff attorney with the American Civil Liberties Union of Minnesota, and counsel to Plaintiffs in the above-captioned case.

2. Attached hereto as **Exhibit 1**, is a true and correct copy of a STAR TRIBUNE article by Liz Navratil, *Minneapolis Mayor Jacob Frey says filling \$156 million budget hole may require up to 40 layoffs*, dated July 9, 2020.

3. Attached hereto as **Exhibit 2** is a true and correct copy of Governor Tim Walz's Emergency Executive Order 20-33, dated April 8, 2020, *Extending Stay at Home Order and Temporary Closure of Bars, Restaurants, and Other Places of Public Accommodation*.

4. Attached hereto as **Exhibit 3** is a true and correct copy of Governor Tim Walz's Emergency Executive Order 20-47, dated April 29, 2020, *Clarifying Application of Executive Order 20-33 to Homeless Encampments*.

5. Attached hereto as **Exhibit 4** is a true and correct copy of an email from Chief of Park Police Department, Jason Ohotto to other Minneapolis Park and Recreation Board employees, among other government employees, regarding a large demobilization effort, dated August 7, 2020.

6. Attached hereto as **Exhibit 5** is a true and correct copy of Minneapolis Park and Recreation Board Resolution 2020-267, *Resolution Amending Adopted Resolution 2020-253 to Limit the Total Number Parks Available for Temporary Encampments and Provide Direction for the Design and Facilitation of Temporary Encampments in Parks that Supports the Health and Safety of Individuals Experiencing Homelessness and Preserves Access to Recreation Features for Park Visitors*, adopted July 15, 2020.

7. Attached hereto as **Exhibit 6** is a true and correct copy of *Subpopulation Numbers*, Hennepin County Shelter Report, dated September 22, 2020.

8. Attached hereto as **Exhibit 7** is a true and correct copy of STAR TRIBUNE article by Chris Serres, *As Minneapolis Homeless Camp Raises Health Alarms, Officials Move to Contain its Spread*, dated May 9, 2020.

9. Attached hereto as **Exhibit 8** is a true and correct copy of a Twitter thread from the account Twin Cities Encampment Responders regarding evictions, dated October 14, 2020.

10. Attached hereto as **Exhibit 9** is a true and correct copy of Superintendent Bangoura's Encampment Remarks from the Minneapolis Park and Recreation Board, dated September 2, 2020.

11. Attached hereto as **Exhibit 10** is a true and correct copy of a screenshot of the Minneapolis Park & Recreation Board's Encampment Numbers at a Glance from October 15, 2020.

12. Attached hereto as **Exhibit 11**, is a true and correct copy of a PIONEER PRESS article by Mara H. Gottfried, St. Paul police: *City worker believed tent was empty when he removed it; woman inside seriously injured*, dated April 16, 2020.

13. Attached hereto as **Exhibit 12** is a true and correct copy of an email from Jason Ohotto to Al Bangoura, dated May 12, 2020, instructing his "staff to begin prioritizing park encampments for disbandment consideration."

14. Attached hereto as **Exhibit 13** is a true and correct copy of Superintendent Bangoura Encampment Remarks from the Minneapolis Park and Recreation Board, dated September 16, 2020.

15. Attached hereto as **Exhibit 14** is a true and correct copy of the Minneapolis Park and Recreation Board Resolution 2020-253, adopted June 17, 2020, *Resolution Declaring the Minneapolis Park & Recreation Board's Commitment to Provide Refuge Space to People Currently Experiencing Homelessness While Continuing to Work with the State, County, City, Non-Profit Organizations and Other Interested Parties to Identify Long Term Housing Solutions for People at the Powderhorn Encampment and Others Throughout the City.*

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 19, 2020

s/ Clare Diegel
Clare Diegel